



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Jon Sanabria
Acting Director of Planning

May 4, 2009

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**HEARING ON AMENDMENT TO COUNTY CODE (TITLE 22 -- PLANNING
AND ZONING) TO MODIFY THE DEVELOPMENT STANDARDS AND
PERMITTING PROCEDURES FOR WINERIES AND TASTING ROOMS
(ALL SUPERVISORIAL DISTRICTS) (3-VOTES)**

IT IS RECOMMENDED THAT YOUR BOARD, AFTER THE PUBLIC HEARING:

1. Consider the attached Negative Declaration together with any comments received during the public review process, find on the basis of the whole record before the Board that there is no substantial evidence the project will have a significant effect on the environment, find that the Negative Declaration reflects the independent judgment and analysis of the Board, and adopt the Negative Declaration.
2. Approve the recommendation of the Regional Planning Commission to amend the County Code to modify the development standards and permitting procedures for wineries and tasting rooms, as reflected in the draft ordinance.
3. Consider the recommendation of the Regional Planning Commission to modify the draft ordinance to require a Minor Conditional Use Permit, instead of a full Conditional Use Permit, for remote tasting rooms in the A-1 (Light Agricultural), A-2 (Heavy Agricultural), and R-R (Resort and Recreation) Zones.
4. Instruct County Counsel to prepare an ordinance amending the County Code as recommended by the Regional Planning Commission.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

On October 7, 2008, your Board adopted a motion that instructed the Director of Planning to prepare an ordinance to modify standards and procedures pertaining to

wineries and to present the ordinance to the Regional Planning Commission for consideration in a public hearing within 90 days. An extension was requested on January 7, 2009 to allow additional staff time for public outreach and environmental review.

The Wineries and Tasting Rooms Ordinance modifies definitions for wineries and tasting rooms so that both uses are defined in greater alignment with State standards for alcohol licensing. It establishes clear development standards, operating standards, and permit requirements for wineries, tasting rooms, and remote tasting rooms, organized as a stand-alone part within Title 22. The ordinance also more clearly reflects the differing standards that should be applied to wineries and tasting rooms in Agricultural Zones versus Commercial and Manufacturing Zones. This approach allows greater flexibility for the small business owner, while ensuring that the standards for wineries retain compatibility towards surrounding uses.

This ordinance allows wineries without tasting rooms or facilities to serve the general public as a permitted use in all Manufacturing Zones, the C-M (Commercial Manufacturing) Zone, the A-2 (Heavy Agricultural) Zone and the R-R (Resort and Recreation) Zone (R-R and A-2 are permitted if they do not exceed production cap of 5,000 cases per year). In addition, wineries in the A-1 (Light Agricultural) Zone are allowed as a use subject to permit. This represents an expansion of zones in which wineries are permitted.

The Wineries and Tasting Rooms Ordinance establishes tasting rooms as uses that are conditioned separate from wineries, with standards that focus more specifically on directing the commercial activities and safety concerns in an appropriate manner. While all tasting rooms will be subject to discretionary review, there have been several significant procedural changes that would simplify the application for a tasting room, including permitting applicants who adhere to the standards set forth for tasting rooms to apply for a Minor Conditional Use Permit. In addition, the ordinance establishes stand-alone tasting rooms or "remote tasting rooms" for the first time, and expands the permitted location of these remote tasting rooms into all Commercial Zones.

The Wineries and Tasting Rooms Ordinance was designed to be supportive of agriculture, in consistency with the directives of Policies 21 and 22 of the Land Use Element of the General Plan, by easing the overall burden of expenses on small agricultural producers and simplifying the winery application process. In addition, the creation of a definition for tasting rooms is supportive of the General Plan's stance towards encouraging visitor industries.

On April 15, 2009, the Regional Planning Commission considered the ordinance in a public hearing and recommended that it be adopted by your Board. In addition, the Commission recommended that your Board consider modifying the ordinance to require a Minor Conditional Use Permit, instead of a full Conditional Use Permit, for remote

tasting rooms in the A-1 (Light Agricultural), A-2 (Heavy Agricultural), and R-R (Resort and Recreation) Zones.

IMPLEMENTATION OF COUNTYWIDE STRATEGIC PLAN GOALS

The proposed ordinance promotes Goals One and Three of the County's Strategic Plan pertaining to "Operational Effectiveness" and "Community and Municipal Services" through the development of an amendment to the County Code that creates a more streamlined development process, and delivers a customer oriented solution to issues faced by winegrowers in the County's unincorporated communities.

FISCAL IMPACT

Implementation of the proposed ordinance will not result in any loss of revenue to the County or in significant new costs to the Department of Regional Planning or other County departments. Adoption of this ordinance will not result in the need for additional departmental staffing.

FINANCING

The proposed ordinance will not result in additional net County costs and therefore a request for funding is not being made at this time.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The Regional Planning Commission conducted a public hearing regarding the proposed ordinance on April 15, 2009. The Commission heard testimony from five individuals in support of the proposal. The Commission recommended approval of the proposed ordinance by your Board and recommended that your Board consider modifying the ordinance to require a Minor Conditional Use Permit, instead of a full Conditional Use Permit, for remote tasting rooms in the A-1 (Light Agricultural), A-2 (Heavy Agricultural), and R-R (Resort and Recreation) Zones.

A public hearing is required pursuant to Section 22.16.200 of the County Code and Section 65856 of the Government Code. Required notice must be given pursuant to the procedures and requirements set forth in Section 22.60.174 of the County Code. These procedures exceed the minimum standards of Section 6061, 65090, and 65856 of the Government Code relating to notice of public hearing.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Approval of the proposed ordinance will not significantly impact County services.

NEGATIVE DECLARATION/ENVIRONMENTAL IMPACTS

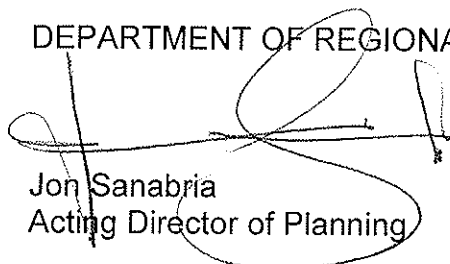
The attached Initial Study shows that there is no substantial evidence, in light of the whole record before your Board, that the adoption of the proposed ordinance will have a significant effect on the environment. Therefore a Negative Declaration was prepared in accordance with Section 15070 of the California Environmental Quality Act guidelines.

Copies of the proposed Negative Declaration were transmitted to the County Clerk and County Libraries in Valencia, Malibu, and Lancaster for public review. In addition, public notice in the form of a one-eighth page ad was published in the *Antelope Valley Press*, a newspaper of general circulation, pursuant to Public Resources Code Section 21092. During the public comment period staff received three comments of support, and three comments expressing concerns about noticing, environmental impacts and the need for more time for community review.

Based on the attached Negative Declaration, adoption of the proposed ordinance will not have a significant effect on the environment.

Respectfully submitted,

DEPARTMENT OF REGIONAL PLANNING



Jon Sanabria
Acting Director of Planning

JS:RCH:MWG:EH

Attachments:

1. Project Summary
2. Summary of Regional Planning Commission Proceedings
3. Resolution of the Regional Planning Commission
4. Recommended Ordinance for Board Adoption
5. Modification to Ordinance for Board Consideration
6. Environmental Document
7. Legal Notice of Board Hearing
8. List of Persons to be Notified

c: Chief Executive Officer
County Counsel
Executive Officer, Board of Supervisors
Auditor-Controller
Director, Department of Public Works
Assessor